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RECEIVED

MAY 31 1988

EMERGENCY &
REMEDIAL
RESPONSE BRANCH

May 26, 1988

Mr. Edward Kowalski
Assistant Regional Counsel
U.S.EPA, Region V
111 West Jackson Street
Chicago, Illinois 60604

Re: 9th Avenue and U.S. Scrap Sites -- DeMert & Dougherty, Inc.

Dear Mr. Kowalski:

Demert & Dougherty, Inc. received a U.S. EPA Notice of Potential Liability and Information Request Letter with respect to the above-referenced Sites on March 21, 1988. On March 24, 1988, we sent you a letter in which we stated that in order to properly respond to the Information Request we needed the following: (1) an extension of time in which to respond to the document request and (2) information and documents that the U.S. EPA has with respect to Demert & Dougherty's connection to the Sites and all technical information the U.S. EPA has with regard to the Sites.

Having received no response from the Agency with regard to our letter, I called you today and asked if you had any response to our letter. You stated that we would be getting notice of a June 9, 1988 meeting of potentially responsible parties. As to the extension of time, you stated that we should get our document response to the agency as soon as possible, but that you would proceed without our records if you did not get them prior to the meeting. Therefore, we will continue to look for records with the understanding that we have been granted an extension of time in which to respond.

Our response to your request for documents is hindered by the fact that you have not responded to our request for information regarding DeMert & Dougherty's connection to the Sites. You stated that you did not know the status of our FOIA request and that any information you had regarding DeMert & Dougherty would be provided at the June 9, 1988 meeting. Without any information from the Agency regarding DeMert & Dougherty's connection to the Sites, it is very difficult to



respond to your Information Request. We will be able to properly respond to the Information Request when the Agency provides us with this necessary information.

Very truly,

Kathleen M Donahue

Kathleen M. Donahue

cc: Susan Swales
Mr. Jack Young
Mr. Mitchell D. Goldsmith

FROM KARAGANIS & WHITE (9TH AVE & US SCRAP-DEMERT & ETC)			CONTROL NO. PIN- 1368-88
SUBJECT AND DATE FREEDOM OF INFORMATION <i>Kowalski</i>			DATE REC'D 5-23-88
			DUE DATE 6-7-88
REFERRED (1) SUPERFUND	(2) <i>Clam</i>	(3)	(4)
DATE 5-23-88			
REPLY SENT TO If fee is charged, copy to FMB.			DATE RELEASED
REMARKS Signature: Division Director or Branch Chief DD or RA (Denial) ORC Concurrence Required Copy to: Public Affairs			ACKNOWLEDGED - DATE <input type="checkbox"/>
			NO ANSWER NEEDED <input type="checkbox"/> (Explain in remarks)

EPA Form 5180-1 (6-72)
REPLACES FWPCA FORM 72 AND
HEW-73 WHICH MAY NOT BE USED.

(Remove this copy only, do not separate remainder.)

MAIL CONTROL SCHEDULE

414 NORTH ORLEANS STREET-SUITE 810

Ms. Susan Swales 5HE-12
U.S. EPA - Region V
Waste Management Division
CERCLA Enforcement Section
230 South Dearborn St.
Chicago, IL 60604

